

REMARKS/ARGUMENTS

Claims 1-16 are pending herein. Claims 9, 10 and 16 have been amended for clarification purposes only.

Examiner Johnson is thanked for courtesies extended to Applicants' undersigned representative during a telephonic interview on November 23, 2004. The substance of that interview has been incorporated into the following remarks.

1. The PTO objected to the Declaration on the basis that "it was not executed in accordance with either 37 CFR 1.66 or 1.68" (see Office Action page 2). During the telephonic interview, Applicants' undersigned representative explained that the Declaration submitted when the present application was originally filed in the PTO is an approved U.S. PTO form. As such, the Declaration filed October 27, 2003 is not defective and, therefore, the PTO's objection to the Declaration is erroneous and should be withdrawn. Examiner Johnson reviewed this issue with his supervisor and confirmed that the objection to the Declaration on page 2 of the pending Office Action is erroneous and accordingly agreed to withdraw this objection.

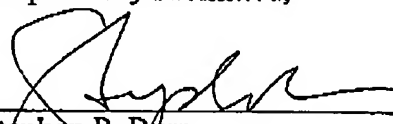
2. Claims 1-16 were rejected under §102(a) Sunao et al. (JP 2003-094174; assigned to the same assignee as that of the present application). During the interview, Applicants' undersigned representative explained that the inventors in JP '174 are the same as the inventors in the present application. As such, due to the common inventive entity between the present application and JP '174, that reference is not available as prior art with respect to the present application under §102(a), as alleged in the Office Action. Examiner Johnson reviewed this matter with his supervisor and confirmed that this rejection is erroneous and accordingly agreed that it should be withdrawn.

If Examiner Johnson believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

February 8, 2005
Date



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